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1. This policy provides knowledge and understanding about Indian country jurisdiction, geographic boundaries, government, and law enforcement to all personnel.
 - A. This is important for effective collaboration with tribal public safety partners, general public safety collaborative operations, mutual aid, information and intelligence exchange, and long-term mutually beneficial relationships.
 - B. Many tribal governments have Mutual Aid Agreements, Memorandums of Agreement, Memorandums of Understanding, or Inter-Governmental Agreements that provide guidelines, operations, staffing, and resource information.

2. **DEFINITIONS**

- A. Indian Country - A legal term defined by federal statute and is generally the territory within a federally recognized Indian Reservation. There are 22 Tribes located within the state of Arizona:
 - Ak-Chin Indian Community
 - Colorado River Indian Tribes
 - Fort Mojave Indian Tribe
 - Gila River Indian Community
 - Hopi Tribe
 - Kaibab Band of Paiutes
 - Pascua Yaqui Tribe
 - Salt River Pima-Maricopa Indian Community
 - San Juan Southern Paiute
 - Tonto Apache Tribe
 - Yavapai-Apache Nation
 - Cocopah Indian Tribe
 - Fort McDowell Yavapai Nation
 - Fort Yuma-Quechan Tribe
 - Havasupai Tribe
 - Hualapai Tribe
 - Navajo Nation
 - Pueblo of Zuni
 - San Carlos Apache Tribe
 - Tohono O'odham Nation
 - White Mountain Apache Tribe
 - Yavapai-Prescott Indian Tribe
- B. Exclusion Process - Laws and procedures for excluding (banning) people from tribal lands.

3. **GENERAL INFORMATION**

- A. Indian Country Authority and Arrest Powers
 - (1) Three sovereign jurisdictions of government exist in the United States: federal, state, (territory), and tribal.
 - (a) Tribal jurisdictions are considered domestic sovereign nations under U.S. Supreme Court precedent.
 - Indian country tribes are unique, each with their own culture, history, language, and traditions.
 - Many tribal governments have their own police agencies, which may have authority and arrest powers at a tribal, state, and federal level, depending on the types of legal authority the tribal police agency has. ([ARS 13-3874](#), [18 USC 1151](#), [1152](#), and [1153](#) and [25 USC 2803](#)).
 - (2) The following ARS statutes give Phoenix officers authority and arrest powers within Indian country jurisdiction over non-Native Americans:
 - [ARS 13-3871. Authority of peace officers](#), outside geographic area.
 - [ARS 13-3881 Arrest](#); how made; force and restraint.

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3. C. (3) Phoenix officers are without jurisdiction or legal authority to arrest tribal members on the reservation for incidents occurring within the City, even in fresh pursuit, and even if the offense is a felony.

- In incidents involving fresh pursuit onto a reservation, the tribal police will be notified and requested to assist in the stop.
- Phoenix police officers may make a stop on a reservation for the purpose of identifying a suspect and, if the suspect is a tribal member, to detain them for the tribal police.
- Non-tribal members apprehended on a reservation after fresh pursuit may be arrested based on probable cause.
- Phoenix police officers may conduct investigations within a reservation's boundaries but will first obtain the permission of the tribal police.

- (4) Tribal governments have an Exclusion Process from Indian Country Jurisdiction of persons whose presence is detrimental to the community or who violate the laws of the community.

D. Indian Country and Interstate Domestic Violence

- (1) Tribal governments may use federal statutes ([18 USC 2261](#)) Interstate Domestic Violence defining persons who enter or leave Indian country and commit crimes found under the statute are subject to federal prosecution.

E. Warrants and Order in Indian Country

- (1) Many Tribal governments have their own courts that issue court orders, arrest warrants and search warrants.

- (2) Tribal governments that have their own police agency:

- Have authority and powers to arrest, serve arrest warrants, and enter arrest warrants into NCIC and ACIC.
- Have their own Criminal Justice Information Systems (CJIS) and Public Safety Access Point (PSAP) Communications Center.
- Operate their own National Sex Offender Registration System (SORNA) that provides Offender Registration System (NSORS).
- May belong to, or have staff assigned to, a Fusion Center or other information sharing networks or systems.

- (3) Tribal courts have the jurisdiction to issue the following orders under the Tribal Law and Order Act:

- Restraining Orders
- Emergency Orders of Protection
- Orders of Protection

NOTE: All carry full faith and credit among courts and jurisdictions – this means they are enforceable anywhere in Arizona.

- (4) The Violence Against Women Act (VAWA) provides for the following categories of criminal conduct that can be prosecuted in Tribal courts against non-Indians:

- | | |
|---------------------------------------|----------------------------------|
| • Domestic violence offenses | • Order of Protection violations |
| • Sexual assault | • Stalking |
| • Sex trafficking | • Violence against children |
| • Assault of Tribal justice personnel | • Obstruction of justice |

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F. Missing or Murdered Indigenous Persons (MMIP)/Savanna's Act

- (1) This act aims to enhance coordination among diverse law enforcement agencies to effectively address cases involving missing or murdered indigenous persons.
- (2) Participating agencies receive specialized training and focus on data management, interagency collaboration, and case coordination. Law enforcement agencies are encouraged to submit relevant information on MMIP cases, to the greatest extent possible, using the National Crime Information Center (NCIC) and National Incident Based Reporting System (NIBRS).
- (3) Department training on Indian Country Jurisdiction will address MMIP to comply with the requirements stipulated in Savanna's Act.

G. Indian Country Extradition

- (1) Tribal governments have an extradition process to or from Indian country jurisdiction.
 - (a) Extraditions and warrants can be entered by the Indian country jurisdiction police department into ACJIS and CJIS, and NCIS and ACIS computer systems.
 - (b) [ARS 13-3869](#) – Extradition of persons to and from Indian jurisdiction:
If this state seeks the extradition of an Indian from within the jurisdiction of an Indian tribe in this state, this state shall comply with any applicable requirements of tribal extradition law.

H. Training

- (1) All department members will receive training upon initial hire and may receive updated annual training regarding Indian country jurisdiction which shall include specific information about Tribal sovereign jurisdictional boundaries, governments, constitutions, courts, authority, operations, and powers.

Last Organizational Review: